

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 298

AN ACT

To repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.480, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof twenty-two new sections relating to liquor control, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 311.080, 311.097, 311.098, 311.102,
2 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325,
3 311.328, 311.360, 311.401, 311.480, 311.630, 312.407, and
4 312.410, RSMo, are repealed and twenty-two new sections enacted
5 in lieu thereof, to be known as sections 311.080, 311.097,
6 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290,
7 311.293, 311.325, 311.328, 311.360, 311.401, 311.480, 311.615,
8 311.630, 312.407, 312.410, 573.509, 1 and 2, to read as follows:
9 311.080. 1. No license shall be granted for the sale of
10 intoxicating liquor, as defined in this chapter, within one
11 hundred feet of any school, church or other building regularly

1 used as a place of religious worship, [unless the applicant for
2 the license shall first obtain the consent in writing of the
3 board of directors of the school, or the consent in writing of
4 the majority of the managing board of the church or place of
5 worship;] except that when a school, church or place of worship
6 shall hereafter be established within one hundred feet of any
7 place of business licensed to sell intoxicating liquor, the
8 license shall not be denied [for lack of consent in writing as
9 herein provided] for this reason.

10 2. The board of aldermen, city council or other proper
11 authorities, of any incorporated city, town or village, may by
12 ordinance, prohibit the granting of a license for the sale of
13 intoxicating liquor within a distance as great as three hundred
14 feet of any school, church, or other building regularly used as a
15 place of religious worship. In such cases, and where the
16 ordinance has been lawfully enacted, no license of any character
17 shall [issue] be issued in conflict with the ordinance while it
18 is in effect; except, that when a school, church or place of
19 worship is established within the prohibited distance from any
20 place of business licensed to sell intoxicating liquor, the
21 license shall not be denied [for lack of consent in writing as
22 herein provided] for this reason.

23 3. Subsection 1 of this section shall not apply to a holder
24 of a license issued pursuant to section 311.090, section 311.218,
25 section 311.482, or to any premises holding a license issued
26 before January 1, 2004, by the supervisor of alcohol and tobacco
27 control for the sale of intoxicating liquor.

28 311.097. 1. Notwithstanding any other provisions of this

chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of ~~[11:00]~~ 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests. As used in this section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a restaurant bar or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a restaurant bar or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient

1 quests shall pay an additional fee of two hundred dollars a year
2 payable at the same time and in the same manner as its other
3 license fees.

4 3. Any new restaurant bar having been in operation for less
5 than ninety days may be issued a temporary license to sell
6 intoxicating liquor by the drink at retail for consumption on the
7 premises between the hours of [~~11:00~~] 9:00 a.m. and midnight on
8 Sunday for a period not to exceed ninety days if the restaurant
9 bar can show a projection of annual business from prepared meals
10 or food consumed on the premises of at least fifty percent of the
11 total gross income of the restaurant bar for the year or can show
12 a projection of annual business from prepared meals or food
13 consumed on the premises which would exceed not less than two
14 hundred thousand dollars. The license fee shall be prorated for
15 the period of the temporary license based on the cost of the
16 annual license for the establishment.

17 4. In counties of the first class having a charter form of
18 government and which contain all or a part of a city having a
19 population of at least three hundred fifty thousand, any
20 restaurant bar licensed under the provisions of this section
21 which is located on the grounds of a sports stadium primarily
22 used for professional sporting events may sell intoxicating
23 liquor by the drink at retail for consumption within the premises
24 of the restaurant bar on Sunday between the hours of [~~11:00~~] 8:00
25 a.m. and 12:00 midnight notwithstanding the hours of limitation
26 set forth in subsection 1 of this section.

27 5. The provisions of this section regarding the time of
28 closing shall not apply to any person who possesses a special

1 permit issued under section 311.174, 311.176, or 311.178.

2 311.098. 1. Notwithstanding any other provisions of this
3 chapter to the contrary, any person who possesses the
4 qualifications required by this chapter, and who now or hereafter
5 meets the requirements of and complies with the provisions of
6 this chapter, may apply for, and the supervisor of [liquor]
7 alcohol and tobacco control may issue, a license to sell
8 intoxicating liquor, as defined in this chapter, between the
9 hours of [11:00 a.m.] 9:00 a.m. and midnight on Sunday by the
10 drink at retail for consumption on the premises of any amusement
11 place as described in the application. As used in this section
12 the term "amusement place" means any establishment whose business
13 building contains a square footage of at least six thousand
14 square feet, and where games of skill commonly known as
15 billiards, volleyball, indoor golf, bowling or soccer are usually
16 played, or has a dance floor of at least two thousand five
17 hundred square feet, or any outdoor golf course with a minimum of
18 nine holes, and which has annual gross receipts of at least one
19 hundred thousand dollars of which at least fifty thousand dollars
20 of such gross receipts is in nonalcoholic sales.

21 2. The authority for the collection of fees by cities and
22 counties as provided in section 311.220, and all other laws and
23 regulations of the state relating to the sale of liquor by the
24 drink for consumption on the premises where sold, shall apply to
25 an amusement place in the same manner as they apply to
26 establishments licensed under sections 311.085, 311.090 and
27 311.095, and in addition to all other fees required by law, an
28 amusement place shall pay an additional fee of two hundred

1 dollars a year payable at the same time and in the same manner as
2 its other fees.

3 3. Any new amusement place having been in operation for
4 less than ninety days may be issued a temporary license to sell
5 intoxicating liquor by the drink at retail for consumption on the
6 premises between the hours of [11:00 a.m.] 9:00 a.m. and midnight
7 on Sunday for a period not to exceed ninety days if the amusement
8 place can show a projection of gross receipts of at least one
9 hundred thousand dollars of which at least fifty thousand dollars
10 of such gross receipts are in nonalcoholic sales for the first
11 year of operation. The license fee shall be prorated for the
12 period of the temporary license based on the cost of the annual
13 license for the establishment.

14 311.102. 1. Notwithstanding any other provisions of this
15 chapter to the contrary, any person who possesses the
16 qualifications required by this chapter, and who meets the
17 requirements of and complies with the provisions of this chapter
18 may apply for, and the supervisor of [liquor] alcohol and tobacco
19 control may issue, a license to sell intoxicating liquor by the
20 drink at retail for consumption on the premises of any place of
21 entertainment, as defined in this section, between the hours of
22 [11:00 a.m.] 9:00 a.m. on Sunday and midnight on Sunday. As used
23 in this section, the term "place of entertainment" means any
24 establishment located in a city not within a county or in a
25 county of the first classification having a charter form of
26 government with a population of at least nine hundred thousand or
27 more inhabitants or in a county of the first classification
28 having a charter form of government containing any portion of a

1 city with a population of three hundred eighty thousand or more
2 or in any city with a population of three hundred eighty thousand
3 or more which is located in more than one county [which has
4 occupancy capacity for patrons of at least three hundred and]
5 which has gross annual sales in excess of two hundred fifty
6 thousand dollars and the establishment has been in operation for
7 at least one year.

8 2. The authority for the collection of fees by cities and
9 counties as provided in section 311.220, and all other laws and
10 regulations of the state relating to the sale of liquor by the
11 drink for consumption on the premises where sold, shall apply to
12 a place of entertainment in the same manner as they apply to
13 establishments licensed pursuant to sections 311.085, 311.090,
14 and 311.095, and in addition to all other fees required by law, a
15 place of entertainment shall pay an additional fee of two hundred
16 dollars a year payable at the same time and in the same manner as
17 its other license fees.

18 311.195. 1. As used in this section, the term
19 "microbrewery" means a business whose primary activity is the
20 brewing and selling of beer, with an annual production of ten
21 thousand barrels or less.

22 2. A microbrewer's license shall authorize the licensee to
23 manufacture beer and malt liquor in quantities not to exceed ten
24 thousand barrels per annum. In lieu of the charges provided in
25 section 311.180, a license fee of five dollars for each one
26 hundred barrels or fraction thereof, up to a maximum license fee
27 of two hundred fifty dollars, shall be paid to and collected by
28 the director of revenue.

1 3. Notwithstanding any other provision of this chapter or
2 chapter 312, RSMo, to the contrary, the holder of a microbrewer's
3 license may apply for, and the supervisor of [~~liquor~~] alcohol and
4 tobacco control may issue, a license to sell intoxicating liquor
5 by the drink at retail for consumption on the [~~brewery~~] premises
6 [and in the original package for off-premises consumption]. No
7 holder of a microbrewer's license, or any employee, officer,
8 agent, subsidiary, or affiliate thereof, shall have more than ten
9 licenses to sell intoxicating liquor by the drink at retail for
10 consumption on the premises. The authority for the collection of
11 fees by cities and counties as provided in section 311.220, and
12 all other laws and regulations relating to the sale of liquor by
13 the drink for consumption on the premises where sold, shall apply
14 to the holder of a license issued under the provisions of this
15 section in the same manner as they apply to establishments
16 licensed under the provisions of section 311.085, 311.090,
17 311.095, or 311.097.

18 4. The holder of a microbrewer's license may also sell beer
19 and malt liquor produced on the brewery premises to duly licensed
20 wholesalers. However, holders of a microbrewer's license shall
21 not, under any circumstances, directly or indirectly, have any
22 financial interest in any wholesaler's business, and all such
23 sales to wholesalers shall be subject to the restrictions of
24 sections 311.181 and 311.182.

25 5. A microbrewer who is a holder of a license to sell
26 intoxicating liquor by the drink at retail for consumption on the
27 premises shall be exempt from the provisions of section 311.280
28 for such intoxicating liquor that is produced on the premises in

1 accordance with the provisions of this chapter. For all other
2 intoxicating liquor sold by the drink at retail for consumption
3 on the premises that the microbrewer possesses a license for,
4 must be obtained in accordance with section 311.280.

5 311.200. 1. No license shall be issued for the sale of
6 intoxicating liquor in the original package, not to be consumed
7 upon the premises where sold, except to a person engaged in, and
8 to be used in connection with, the operation of one or more of
9 the following businesses: A drug store, a cigar and tobacco
10 store, a grocery store, a general merchandise store, a
11 confectionery or delicatessen store, nor to any such person who
12 does not have and keep in his store a stock of goods having a
13 value according to invoices of at least one thousand dollars,
14 exclusive of fixtures and intoxicating liquors. Under such
15 license, no intoxicating liquor shall be consumed on the premises
16 where sold nor shall any original package be opened on the
17 premises of the vendor except as otherwise provided in this law.
18 For every license for sale at retail in the original package, the
19 licensee shall pay to the director of revenue the sum of one
20 hundred dollars per year.

21 2. For a permit authorizing the sale of malt liquor
22 containing alcohol in excess of three and two-tenths percent by
23 weight and not in excess of five percent by weight by grocers and
24 other merchants and dealers in the original package direct to
25 consumers but not for resale, [fifteen] a fee of fifty dollars
26 per year payable to the director of the department of revenue
27 shall be required. The phrase "original package" shall be
28 construed and held to refer to any package containing three or

1 more standard bottles of beer. This license shall also permit
2 the holders thereof to sell nonintoxicating beer in the original
3 package direct to consumers, but not for resale. Notwithstanding
4 the provisions of section 311.290, any person licensed pursuant
5 to this subsection may also sell malt liquor at retail between
6 the hours of 9:00 a.m. and midnight on Sunday.

7 3. For every license issued for the sale of malt liquor at
8 retail by drink for consumption on the premises where sold, the
9 licensee shall pay to the director of revenue the sum of fifty
10 dollars per year, which license shall also permit the holder
11 thereof to sell nonintoxicating beer as defined in chapter 312,
12 RSMo. Notwithstanding the provisions of section 311.290, any
13 person licensed pursuant to this subsection may also sell malt
14 liquor at retail between the hours of 9:00 a.m. and midnight on
15 Sunday.

16 4. For every license issued for the sale of malt liquor and
17 light wines containing not in excess of fourteen percent of
18 alcohol by weight made exclusively from grapes, berries and other
19 fruits and vegetables, at retail by the drink for consumption on
20 the premises where sold, the licensee shall pay to the director
21 of revenue the sum of [thirty-five] fifty dollars per year, which
22 license shall also permit the holder thereof to sell
23 nonintoxicating beer as defined in chapter 312, RSMo.

24 [4.] 5. For every license issued for the sale of all kinds
25 of intoxicating liquor, at retail by the drink for consumption on
26 premises of the licensee, the licensee shall pay to the director
27 of revenue the sum of three hundred dollars per year, which shall
28 include the sale of intoxicating liquor in the original package.

1 [5.] 6. For every license issued to any railroad company,
2 railway sleeping car company operated in this state, for sale of
3 all kinds of intoxicating liquor, as defined in this chapter, at
4 retail for consumption on its dining cars, buffet cars and
5 observation cars, the sum of one hundred dollars per year; except
6 that such license shall not permit sales at retail to be made
7 while such cars are stopped at any station. A duplicate of such
8 license shall be posted in every car where such beverage is sold
9 or served, for which the licensee shall pay a fee of one dollar
10 for each duplicate license.

11 [6.] 7. All applications for licenses shall be made upon
12 such forms and in such manner as the supervisor of [liquor]
13 alcohol and tobacco control shall prescribe. No license shall be
14 issued until the sum prescribed by this section for such license
15 shall be paid to the director of revenue.

16 311.260. 1. No person [or], corporation, [or any],
17 employee, officer, agent, subsidiary, or affiliate thereof,
18 shall:

19 (1) Have more than three licenses[, nor]; or

20 (2) Be directly or indirectly interested in any business of
21 any other person [or], corporation, or [of any], employee,
22 officer, agent, subsidiary, or affiliate thereof, [to sell] who
23 sells intoxicating liquor, at retail by the drink for consumption
24 on the premises described in any license[, nor shall any]; or

25 (3) Sell intoxicating liquor [be sold] at retail by the
26 drink for consumption at the place of sale at more than three
27 places in this state[, by any person or corporation, or by any
28 employee, officer, agent, subsidiary, or affiliate thereof,

1 except that,].

2 2. Notwithstanding any other provision of this chapter or
3 municipal ordinance to the contrary, [in] for the purpose of
4 determining whether [any] a person, corporation, [or any]
5 employee, officer, agent, subsidiary, or affiliate thereof, has a
6 disqualifying interest in more than three licenses pursuant to
7 subsection 1 of this section, there shall not be counted any
8 license to sell intoxicating liquor at retail by the drink for
9 consumption on the following premises [which include a
10 restaurant]:

11 (1) Restaurants where at least fifty percent of the gross
12 income of which is derived from the sale of prepared meals or
13 food consumed on the premises where sold; or

14 (2) Establishments which [has] have an annual gross income
15 of at least two hundred thousand dollars from the sale of
16 prepared meals or food consumed on the premises where sold[, or
17 which include a facility]; or

18 (3) Facilities designed for the performance of live
19 entertainment and where the receipts for admission to such
20 performances exceed one hundred thousand dollars per calendar
21 year; or

22 (4) Any establishment having at least forty rooms for the
23 overnight accommodation of transient guests.

24 311.280. 1. It shall be unlawful for any person in this
25 state holding a retail liquor license to purchase any
26 intoxicating liquor except from, by or through a duly licensed
27 wholesale liquor dealer in this state. It shall be unlawful for
28 such retail liquor dealer to sell or offer for sale any

1 intoxicating liquor purchased in violation of the provisions of
2 this section. Any person violating any provision of this section
3 shall be deemed guilty of a misdemeanor.

4 2. Any retailer licensed pursuant to this chapter shall
5 not:

6 (1) Sell intoxicating liquor or nonintoxicating beer with
7 an alcohol content of less than five percent by weight to the
8 consumer in an original carton received from the wholesaler that
9 has been mutilated, torn apart, or cut apart; or

10 (2) Repackage intoxicating liquor or nonintoxicating beer
11 with an alcohol content of less than five percent by weight in a
12 manner misleading to the consumer or that results in required
13 labeling being omitted or obscured.

14 311.290. [1.] No person having a license [under this law]
15 issued pursuant to this chapter or chapter 312, RSMo, nor any
16 employee of such person, [except as provided in subsection 2 of
17 this section,] shall sell, give away, or [otherwise dispose of,
18 or suffer the same to be done upon or about his premises] permit
19 the consumption of, any intoxicating liquor in any quantity
20 between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and
21 between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon
22 or about his or her premises. If the person has a license to
23 sell intoxicating liquor by the drink, his premises shall be and
24 remain a closed place as defined in this section between the
25 hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the
26 hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such
27 licenses authorizing the sale of intoxicating liquor by the drink
28 are held by clubs or hotels, this section shall apply only to the

1 room or rooms in which intoxicating liquor is dispensed; and
2 where such licenses are held by restaurants whose business is
3 conducted in one room only and substantial quantities of food and
4 merchandise other than intoxicating liquors are dispensed, then
5 the licensee shall keep securely locked during the hours and on
6 the days specified in this section all refrigerators, cabinets,
7 cases, boxes, and taps from which intoxicating liquor is
8 dispensed. A "closed place" is defined to mean a place where all
9 doors are locked and where no patrons are in the place or about
10 the premises. Any person violating any provision of this section
11 shall be deemed guilty of a class A misdemeanor. Nothing in this
12 section shall be construed to prohibit the sale or delivery of
13 any intoxicating liquor during any of the hours or on any of the
14 days specified in this section by a wholesaler licensed under the
15 provisions of section 311.180 to a person licensed to sell the
16 intoxicating liquor at retail.

17 [2. Any person licensed pursuant to section 311.200 shall
18 not be permitted to sell, give away, or otherwise dispose of, or
19 suffer the same to be done upon or about his premises, any
20 intoxicating liquor in any quantity between the hours of 1:30
21 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m.
22 Sunday and 6:00 a.m. Monday.]

23 311.293. 1. Notwithstanding the provisions of [section
24 311.290 or] any [other] law to the contrary, any person
25 possessing the qualifications and meeting the requirements of
26 this chapter, who is licensed to sell intoxicating liquor in the
27 original package at retail [under] pursuant to section 311.200,
28 may apply to the supervisor of [liquor] alcohol and tobacco

1 control for a special license to sell intoxicating liquor in the
2 original package at retail between the hours of [11:00 a.m.] 9:00
3 a.m. and midnight on Sundays. A licensee under this section
4 shall pay to the director of revenue an additional fee of two
5 hundred dollars a year payable at the same time and in the same
6 manner as its other license fees.

7 2. In addition to any fee collected pursuant to section
8 311.220, a city or county may charge and collect an additional
9 fee not to exceed three hundred dollars from any licensee under
10 this section for the privilege of selling intoxicating liquor in
11 the original package at retail between the hours of [11:00] 9:00
12 a.m. and midnight on Sundays in such city or county; however the
13 additional fee shall not exceed the fee charged by that city or
14 county for a special license issued pursuant to any provision of
15 this chapter which allows a licensee to sell intoxicating liquor
16 by the drink for consumption on the premises of the licensee on
17 Sundays.

18 311.325. 1. Any person under the age of twenty-one years,
19 who purchases or attempts to purchase, or has in his possession,
20 any intoxicating liquor as defined in section 311.020 is guilty
21 of a misdemeanor. For purposes of prosecution under this section
22 or any other provision of this chapter involving an alleged
23 illegal sale or transfer of intoxicating liquor to a person under
24 twenty-one years of age, a manufacturer-sealed container
25 describing that there is intoxicating liquor therein need not be
26 opened or the contents therein tested to verify that there is
27 intoxicating liquor in such container. The alleged violator may
28 allege that there was not intoxicating liquor in such container,

1 but the burden of proof of such allegation is on such person, as
2 it shall be presumed that such a sealed container describing that
3 there is intoxicating liquor therein contains intoxicating
4 liquor.

5 2. For purposes of determining violations of any provision
6 of this chapter, or of any rule or regulation of the supervisor
7 of alcohol and tobacco control, a manufacturer-sealed container
8 describing that there is intoxicating liquor therein need not be
9 opened or the contents therein tested to verify that there is
10 intoxicating liquor in such container. The alleged violator may
11 allege that there was not intoxicating liquor in such container,
12 but the burden of proof of such allegation is on such person, as
13 it shall be presumed that such a sealed container describing that
14 there is intoxicating liquor therein contains intoxicating
15 liquor.

16 311.328. 1. [The] A valid and unexpired operator's or
17 chauffeur's license issued under the provisions of section
18 302.177, RSMo, or [the] a valid and unexpired operator's or
19 chauffeur's license issued under the laws of [the states of
20 Arkansas, Illinois, Oklahoma, Kansas, or Iowa] any state or
21 territory of the United States to residents of those states or
22 territories, or [an] a valid and unexpired identification card as
23 provided for under section 302.181, RSMo, or [the] a valid and
24 unexpired identification card issued by any uniformed service of
25 the United States, or a valid and unexpired passport shall be
26 presented by the holder thereof upon request of any agent of the
27 division of [liquor] alcohol and tobacco control or any licensee
28 or the servant, agent or employee thereof for the purpose of

1 aiding the licensee or the servant, agent or employee to
2 determine whether or not the person is at least twenty-one years
3 of age when such person desires to purchase or consume alcoholic
4 beverages procured from a licensee. Upon such presentation the
5 licensee or the servant, agent or employee thereof shall compare
6 the photograph and physical characteristics noted on the license,
7 identification card or passport with the physical characteristics
8 of the person presenting the license, identification card or
9 passport.

10 2. Upon proof by the licensee of full compliance with the
11 provisions of this section, no penalty shall be imposed if the
12 supervisor of the division of [liquor] alcohol and tobacco
13 control or the courts are satisfied that the licensee acted in
14 good faith.

15 3. Any person who shall, without authorization from the
16 department of revenue, reproduce, alter, modify, or misrepresent
17 any chauffeur's license, motor vehicle operator's license or
18 identification card shall be deemed guilty of a misdemeanor and
19 upon conviction shall be subject to a fine of not more than one
20 thousand dollars, and confinement for not more than one year, or
21 by both such fine and imprisonment.

22 311.360. [1.] No person holding a license or permit shall
23 sell malt liquor, or any other intoxicating liquor in this state,
24 or shall offer for sale any such malt liquor, or other
25 intoxicating liquor, whatsoever, brewed, manufactured or
26 distilled by one manufacturer, in substitution for, or with the
27 representation that any such malt liquor or other intoxicating
28 liquor, is the product of any other brewer, manufacturer or

1 distiller. Whosoever shall violate the provisions of this
2 section shall be deemed guilty of a misdemeanor.

3 [2. Any malt liquor which is offered for sale in this state
4 and manufactured at other than a facility owned by the person
5 whose name appears on the label of the container shall include on
6 the label the name and location of the owner of the facility
7 which produced and packaged the malt liquor. This subsection
8 shall become effective January 1, 1997.]

9 311.401. Any lending institution doing business with any
10 distiller, wholesaler, winemaker, brewer, or retailer in Missouri
11 duly licensed under this chapter shall have the right to sell
12 intoxicating liquor which such lending institution has
13 repossessed to a retailer duly licensed under this chapter, with
14 the approval of the supervisor of [liquor] alcohol and tobacco
15 control, provided such liquor was originally taken as collateral
16 for a business loan. No license or permit shall be required for
17 such sale, and such sale shall be limited to cases, kegs, or
18 barrels of such liquor, and any leftover unopened containers.
19 Such transaction shall be subject to the provisions of chapter
20 400, RSMo. As used in this section, the term "lending
21 institution" means any bank or trust company incorporated under
22 the laws of this state or of the United States[, any savings and
23 loan association incorporated under the laws of this state or
24 under federal charter, any credit union operating under the laws
25 of this state or the United States, and any other person, firm,
26 or corporation authorized to make business loans in this state
27 and to take collateral therefor].

28 311.480. 1. It shall be unlawful for any person operating

1 any premises where food, beverages or entertainment are sold or
2 provided for compensation, who does not possess a license for the
3 sale of intoxicating liquor or nonintoxicating beer, to permit
4 the drinking or consumption of intoxicating liquor or
5 nonintoxicating beer, in [, on, or about] the premises [between
6 10:00 p.m. and 6:00 a.m. the following day], without having a
7 license as in this section provided.

8 2. Application for such license shall be made to the
9 supervisor of [liquor] alcohol and tobacco control on forms to be
10 prescribed by him, describing the premises to be licensed and
11 giving all other reasonable information required by the form.
12 The license shall be issued upon the payment of the fee required
13 in this section. A license shall be required for each separate
14 premises and shall expire on the thirtieth day of June next
15 succeeding the date of such license. The license fee shall be
16 sixty dollars per year and the applicant shall pay five dollars
17 for each month or part thereof remaining from the date of the
18 license to the next succeeding first of July. Applications for
19 renewals of licenses shall be filed on or before the first of May
20 of each year.

21 3. The drinking or consumption of intoxicating liquor or
22 nonintoxicating beer shall not be permitted in or [,] upon [, or
23 about] the licensed premises by any person under twenty-one years
24 of age, or by any other person between the hours of 1:30 a.m. and
25 6:00 a.m. on any weekday, and between the hours of [12:00
26 midnight Saturday] 1:30 a.m. Sunday and [12:00 midnight Sunday]
27 6:00 a.m. Monday. Licenses issued hereunder shall be conditioned
28 upon the observance of the provisions of this section and the

1 regulations promulgated thereunder governing the conduct of
2 premises licensed for the sale of intoxicating liquor or
3 nonintoxicating beer by the drink. The provision of this section
4 regulating the drinking or consumption of intoxicating liquor or
5 nonintoxicating beer between certain hours and on Sunday shall
6 apply also to premises licensed under this chapter to sell
7 intoxicating liquor or nonintoxicating beer by the drink. In any
8 incorporated city having a population of more than twenty
9 thousand inhabitants, the board of aldermen, city council, or
10 other proper authorities of incorporated cities may, in addition
11 to the license fee required in this section, require a license
12 fee not exceeding three hundred dollars per annum, payable to the
13 incorporated cities, and provide for the collection thereof; make
14 and enforce ordinances regulating the hours of consumption of
15 intoxicating liquors or nonintoxicating beer on premises licensed
16 hereunder, not inconsistent with the other provisions of this
17 law, and provide penalties for the violation thereof. No person
18 shall be granted a license hereunder unless such person is of
19 good moral character and a qualified legal voter and a taxpaying
20 citizen of the county, town, city or village, nor shall any
21 corporation be granted a license hereunder unless the managing
22 officer of such corporation is of good moral character and a
23 qualified legal voter and taxpaying citizen of the county, town,
24 city or village.

25 4. Any premises operated in violation of the provisions of
26 this section, or where intoxicating liquor or nonintoxicating
27 beer is consumed in violation of this section, is hereby declared
28 to be a public and common nuisance, and it shall be the duty of

1 the supervisor of [~~liquor~~] alcohol and tobacco control and of the
2 prosecuting or circuit attorney of the city of St. Louis, and the
3 prosecuting attorney of the county in which the premises are
4 located, to enjoin such nuisance.

5 5. Any person operating any premises, or any employee,
6 agent, representative, partner, or associate of such person, who
7 shall knowingly violate any of the provisions of this section, or
8 any of the laws or regulations herein made applicable to the
9 conduct of such premises, is guilty of a class A misdemeanor.

10 6. The supervisor of [~~liquor~~] alcohol and tobacco control
11 is hereby empowered to promulgate regulations necessary or
12 reasonably designed to enforce or construe the provisions of this
13 section, and is empowered to revoke or suspend any license issued
14 hereunder, as provided in this chapter, for violation of this
15 section or any of the laws or regulations herein made applicable
16 to the conduct of premises licensed hereunder.

17 7. Nothing in this section shall be construed to prohibit
18 the sale or delivery of any intoxicating liquor or
19 nonintoxicating beer during any of the hours or on any of the
20 days specified in this section by a wholesaler licensed under the
21 provisions of section 311.180 to a person licensed to sell the
22 intoxicating liquor or nonintoxicating beer at retail.

23 8. No intoxicating liquor or nonintoxicating beer may be
24 served or sold on any premises used as a polling place on
25 election day.

26 311.615. There shall be a division within the department of
27 public safety known as the "Division of Alcohol and Tobacco
28 Control", which shall have as its chief executive officer the

1 supervisor of alcohol and tobacco control appointed pursuant to
2 section 311.610. All references to the division of alcohol and
3 tobacco control and the supervisor of alcohol and tobacco control
4 in the statutes shall mean the division of alcohol and tobacco
5 control and supervisor of alcohol and tobacco control.

6 311.630. 1. The supervisor of [liquor] alcohol and tobacco
7 control and employees to be selected and designated as peace
8 officers by the supervisor of [liquor] alcohol and tobacco
9 control are hereby declared to be peace officers of the state of
10 Missouri, with full power and authority to make arrests and
11 searches and seizures only for violations of the provisions of
12 chapters 311 and 312, RSMo, relating to intoxicating liquors and
13 nonintoxicating beer, [and to make searches and seizures
14 thereunder,] and sections 407.924 to 407.934, RSMo, relating to
15 tobacco products, and to serve any process connected with the
16 enforcement of such laws. The peace officers so designated shall
17 have been previously appointed and qualified under the provisions
18 of section 311.620 and shall [have completed the mandatory
19 standards for the basic training and certification of peace
20 officers established by the peace officers standards and training
21 commission] be required to hold a valid peace officer license
22 pursuant to chapter 590, RSMo.

23 2. The supervisor of [liquor] alcohol and tobacco control
24 shall furnish such peace officers with credentials showing their
25 authority and a special badge, which they shall carry on their
26 person at all times while on duty. The names of the peace
27 officers so designated shall be made a matter of public record in
28 the office of the supervisor of [liquor] alcohol and tobacco

1 control.

2 3. All fees for the arrest and transportation of persons
3 arrested and for the service of writs and process shall be the
4 same as provided by law in criminal proceedings and shall be
5 taxed as costs.

6 312.407. 1. Any person under the age of twenty-one years,
7 who purchases or attempts to purchase, or has in his possession,
8 any nonintoxicating beer as defined in section 312.010, is guilty
9 of a misdemeanor. For purposes of prosecution under this section
10 or any other provision of this chapter involving an alleged
11 illegal sale or transfer of nonintoxicating beer to a person
12 under twenty-one years of age, a manufacturer-sealed container
13 describing that there is nonintoxicating beer therein need not be
14 opened or the contents therein tested to verify that there is
15 nonintoxicating beer in such container. The alleged violator may
16 allege that there was not nonintoxicating beer in such container,
17 but the burden of proof of such allegation is on such person, as
18 it shall be presumed that such a sealed container describing that
19 there is nonintoxicating beer therein contains nonintoxicating
20 beer.

21 2. For purposes of determining violations of any provisions
22 of this chapter or of any rule or regulation of the supervisor of
23 alcohol and tobacco control, a manufacturer-sealed container
24 describing that there is nonintoxicating beer therein need not be
25 opened or the contents therein tested to verify that there is
26 nonintoxicating beer in such container. The alleged violator may
27 allege that there was not nonintoxicating beer in such container,
28 but the burden of proof of such allegation is on such person, as

1 it shall be presumed that such a sealed container describing that
2 there is nonintoxicating beer therein contains nonintoxicating
3 beer.

4 312.410. No person having a license under the provisions of
5 this chapter, shall sell, give away or [otherwise dispose of, or
6 suffer the same to be done, upon or about his premises] permit
7 the consumption of, any nonintoxicating beer in any quantity
8 between the hours of one-thirty a.m., and six a.m., upon or about
9 his or her premises, and any person violating any provision of
10 this section shall be deemed guilty of a misdemeanor and shall be
11 punished by imprisonment in the county jail for a term of not
12 more than one year, or by a fine of not less than fifty dollars
13 nor more than one thousand dollars or by both such fine and jail
14 sentence.

15 573.509. 1. No person less than nineteen years of age
16 shall dance in an adult cabaret as defined in section 573.500,
17 nor shall any proprietor of such establishment permit any person
18 less than nineteen years of age to dance in an adult cabaret.

19 2. Any person who violates the provisions of subsection 1
20 of this section is guilty of a class A misdemeanor.

21 Section 1. 1. As used in this section, the following terms
22 shall mean:

23 (1) "Keg", any container capable of holding four gallons or
24 more of beer, wine, or intoxicating liquor and which is designed
25 to dispense beer, wine, or intoxicating liquor directly from the
26 container for purposes of consumption;

27 (2) "Supervisor of alcohol and tobacco control", the person
28 appointed pursuant to section 311.610, RSMo.

1 2. Each keg sold at retail for off-premise consumption
2 shall be labeled with the name and address of the retail licensee
3 and an identification number. The division of alcohol and
4 tobacco control may prescribe the form of the labels to be used
5 for this purpose. The label shall be affixed to a recyclable tag
6 that is attached to the handle on the top chime of the keg. The
7 label and recyclable tag shall be supplied by the division of
8 alcohol and tobacco control without fee and securely affixed to
9 the keg by the licensee making the sale.

10 3. Each retail licensee shall require each keg purchaser to
11 present positive identification at the time of purchase. The
12 licensee shall record for each keg sale the date of sale, the
13 size of keg, any applicable keg identification number if
14 available, the amount of container deposit, the name, address,
15 and date of birth of the purchaser, and the form of
16 identification presented by such purchaser. The purchaser shall
17 sign a statement at the time of purchase attesting to the
18 accuracy of the purchaser's name and address and acknowledging
19 that misuse of the keg or its contents may result in civil
20 liability, criminal prosecution, or both. The licensee shall
21 retain the identification form for a minimum of three months
22 following the sale of the keg.

23 4. The licensee shall not refund a deposit for a keg that
24 is returned without the required label and identification number
25 intact and legible. The licensee shall record the date of return
26 of the keg and the condition of the label and identification
27 number on the identification form required pursuant to subsection
28 2 of this section. The licensee may retain any deposit not

1 refunded for this reason. Upon the return of a properly labeled
2 keg from a consumer, the licensee shall remove the tag from the
3 keg and retain such tag with the identification form as required
4 pursuant to subsection 2 of this section. This requirement shall
5 not apply to permanent identification numbers or other forms of
6 identification placed on the keg by a manufacturer.

7 5. The supervisor shall promulgate rules and regulations
8 for the administration of this section and shall design all
9 necessary forms. No rule, regulation, or portion of a rule or
10 regulation promulgated pursuant to the authority of this section
11 shall become effective unless it has been promulgated pursuant to
12 chapter 536, RSMo.

13 6. The provisions of this section shall become effective on
14 July 1, 2004.

15 7. This section shall fully preempt and supersede any
16 ordinances, rules, or regulations made by any city, county, or
17 other political subdivision of the state of Missouri which
18 regulate the selling, labeling, or registering of kegs. This
19 section shall not impose any new or additional civil or criminal
20 liability upon the retail licensee.

21 Section 2. Any establishment possessing or qualifying for a
22 license to sell intoxicating liquor by the drink at retail in any
23 city not within a county, any home rule city with more than four
24 hundred thousand inhabitants and located in more than one county
25 and if such establishment is also located in a resort area,
26 convention trade area, or enterprise zone area, the establishment
27 may apply for a Sunday by the drink license between the hours of
28 9:00 a.m. and midnight on Sunday. The business establishment's

1 annual gross receipts for the year immediately preceding the
2 application for the Sunday by the drink license shall not have
3 been less than one hundred fifty thousand dollars of which at
4 least sixty thousand dollars of such gross receipts is in non-
5 alcoholic sales. Any new licensee possessing a license to sell
6 intoxicating liquor by the drink at retail may apply for a
7 temporary Sunday by the drink license and shall show a projection
8 of annual gross receipts of not less than one hundred fifty
9 thousand dollars of which at least sixty thousand dollars of such
10 gross receipts is in non-alcoholic sales. The license fee for
11 such Sunday by the drink license shall be six hundred dollars per
12 year. The license fee shall be prorated for the period of the
13 license based on the cost of the annual license for the
14 establishment.

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20 John Griesheimer

Robert Johnson, 47